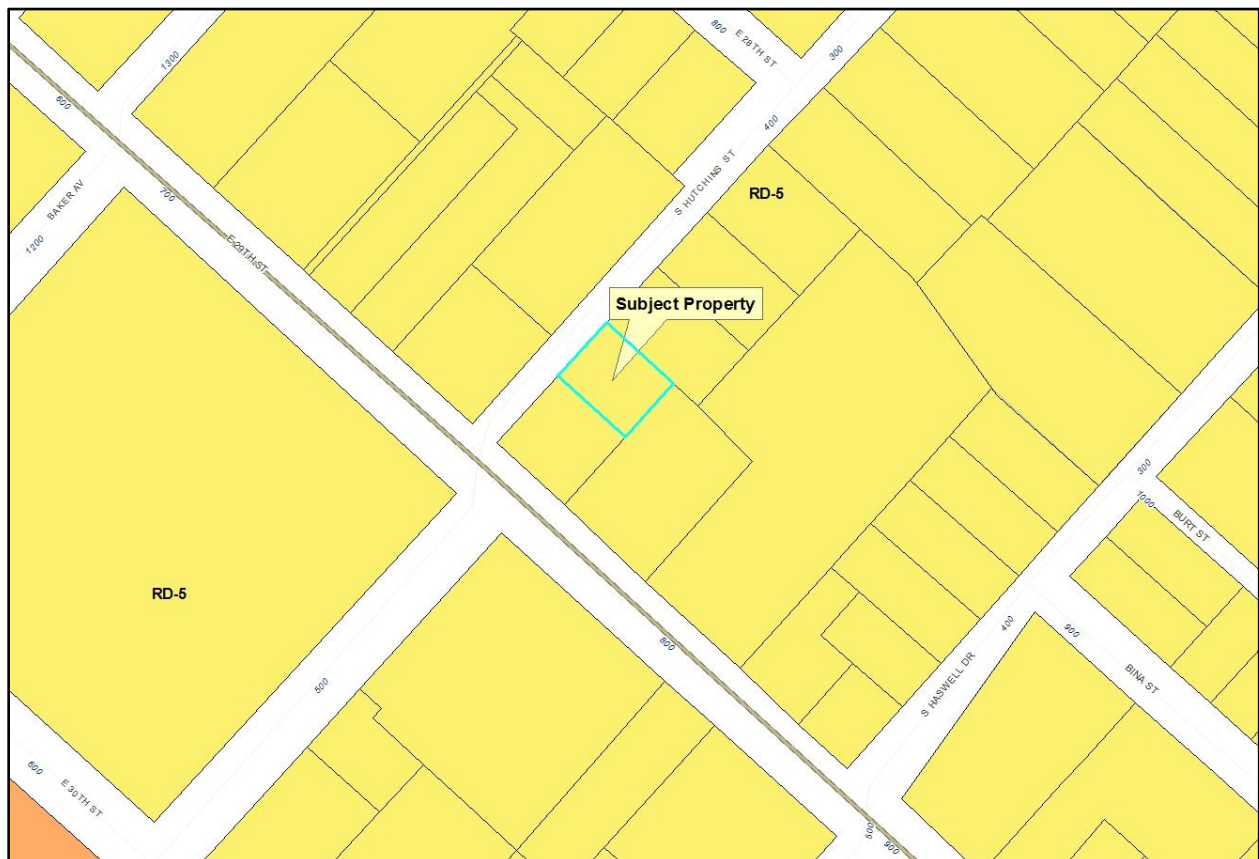


July 16, 2015



CASE DESCRIPTION:	a request for approval of a variance to the reduce the minimum number of parking spaces required for a proposed new 3-bedroom single-family home from 3 spaces to 2 spaces
LOCATION:	411 South Hutchins Street, being Lot 4R in Block 62 of the Mitchell Subdivision, located on the southeast side of the South Hutchins Street, north from its intersection with East 29 th Street
ZONING:	Residential District – 5000 (RD-5)
EXISTING LAND USE:	vacant lot
APPLICANT(S):	Jason Nutt, Divided Investments LLC
STAFF CONTACT:	Stephanie Killam, Staff Planner
SUMMARY RECOMMENDATION:	Staff recommends denying the requested variance.

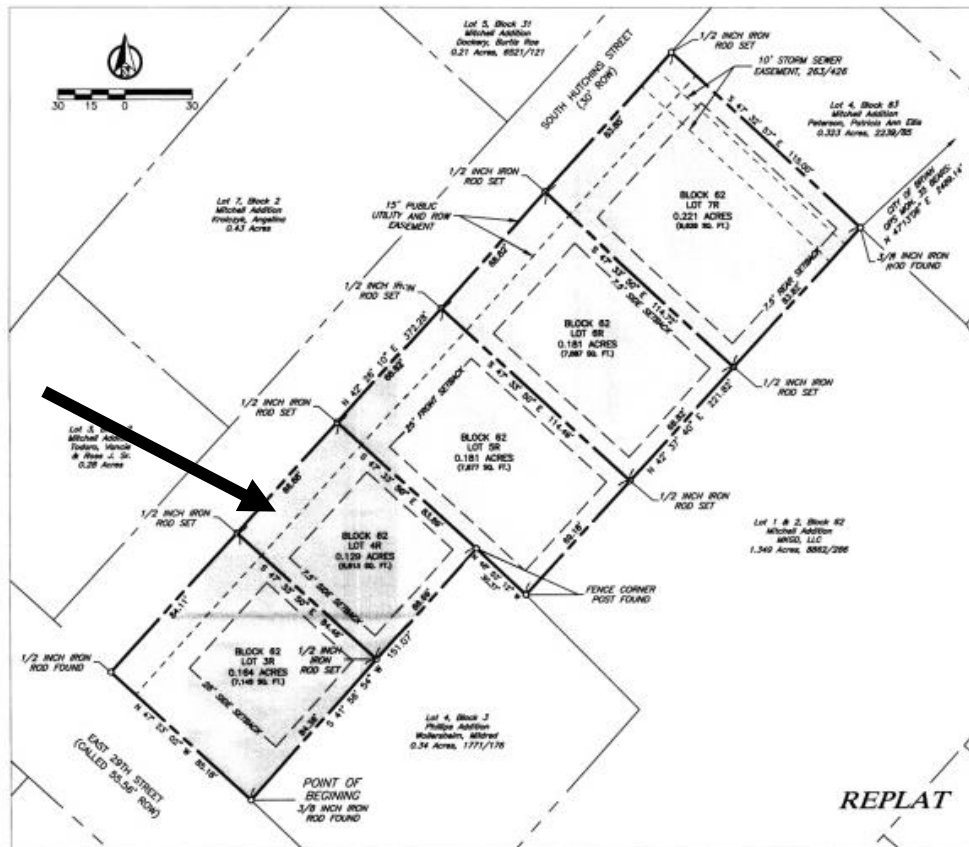




BACKGROUND:

The subject property is zoned Residential District – 5000 (RD-5) and is currently undeveloped. The properties that border the subject property to the north and south are also zoned RD-5 District and are also undeveloped. Property to the southeast is occupied by a single-family home. Properties to the northwest, across Hutchins Street, are also occupied by single-family homes.

On August 21, 2014, the subject property was part of a request for a replat of acreage along S. Hutchins Street into 5 lots. In conjunction with the replat, the Planning and Zoning Commission approved a lot depth variance for the subject property to be only 66.68 feet in depth, with a total lot area of 5,631 square feet.

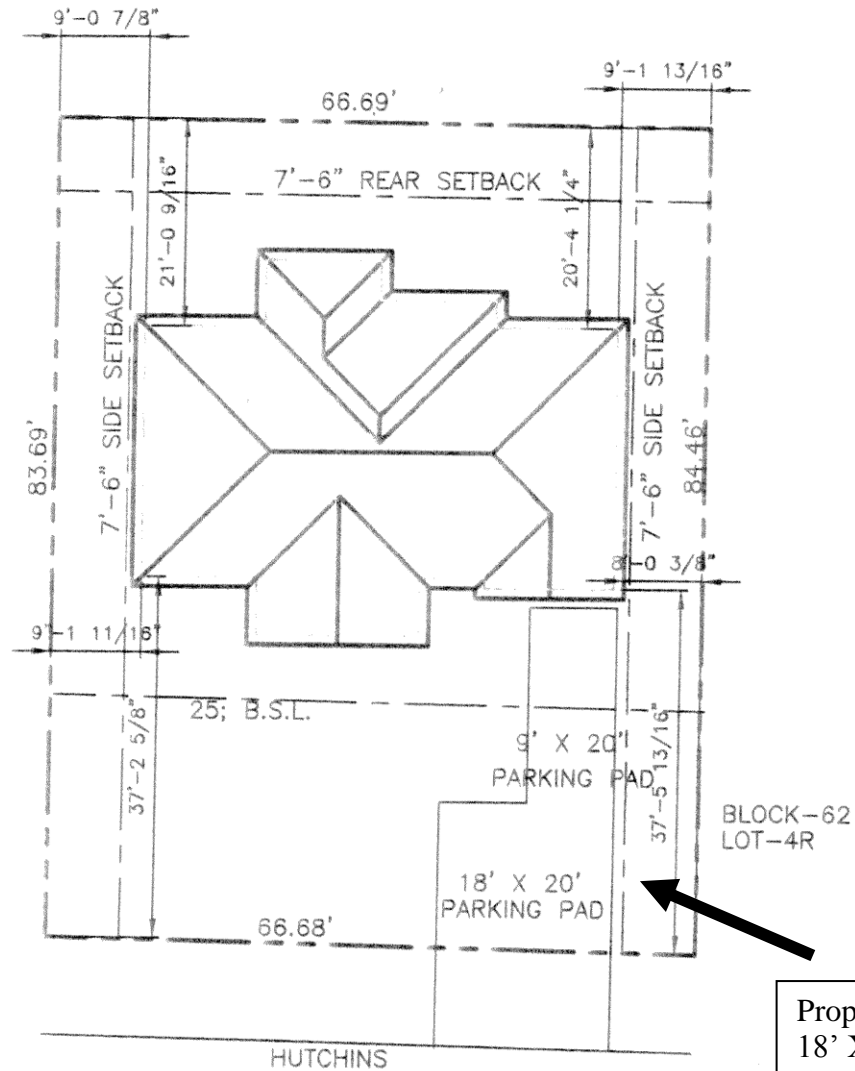


Excerpt from Replat in Block 62 of the Mitchell Addition

The owner/applicant has submitted a site plan and received a building permit for the construction of a new single-story 1,483-square-foot single-family home on the subject property. The City's Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62) requires the installation of off-street parking spaces with new building construction. Per city ordinance, the minimum parking requirements for a 3-bedroom home is three 9' x 20' off-street parking spaces on a paved surface (concrete or asphalt). The new 3-bedroom single-family home at this location is therefore required to have a minimum of 3 off-street parking spaces.

The applicants submitted an initial site plan on June 12, 2015, showing an 18' x 20' off-street parking pad with a 9' x 20' extension toward the home (see below image). This original site plan met the requirements of the Bryan Code of Ordinances and the building permit application was approved.

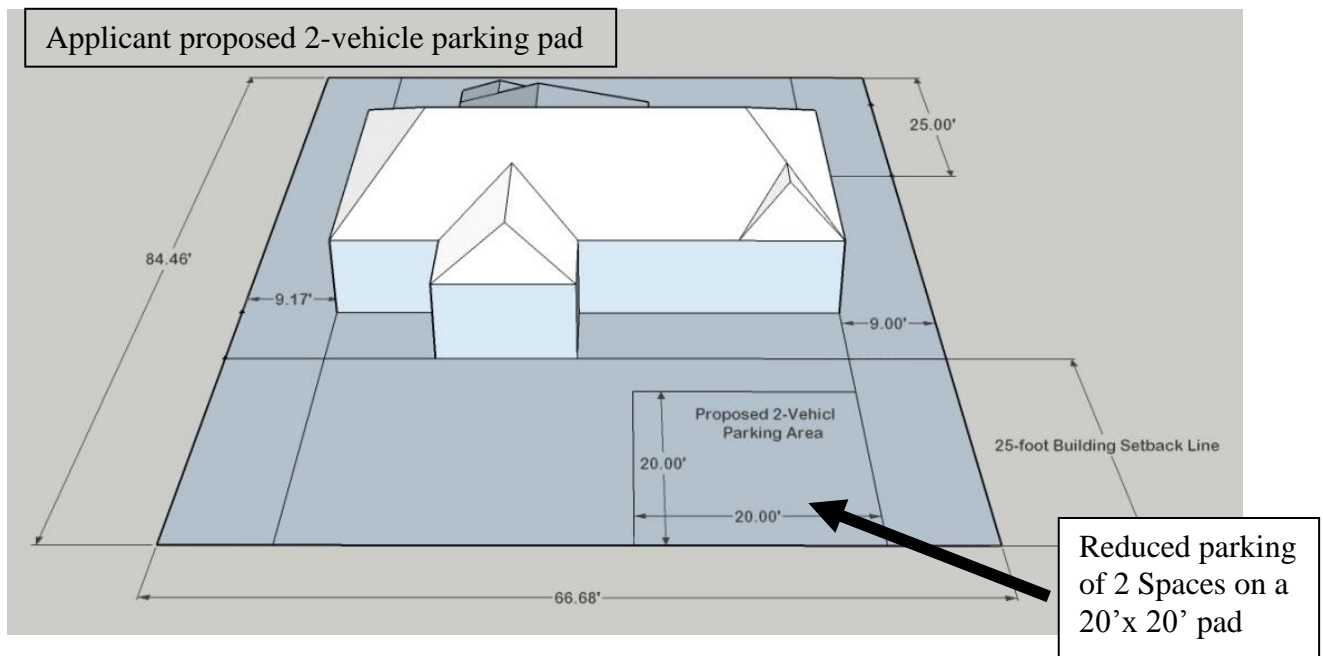
Original Site Plan Submitted 6.12.2015



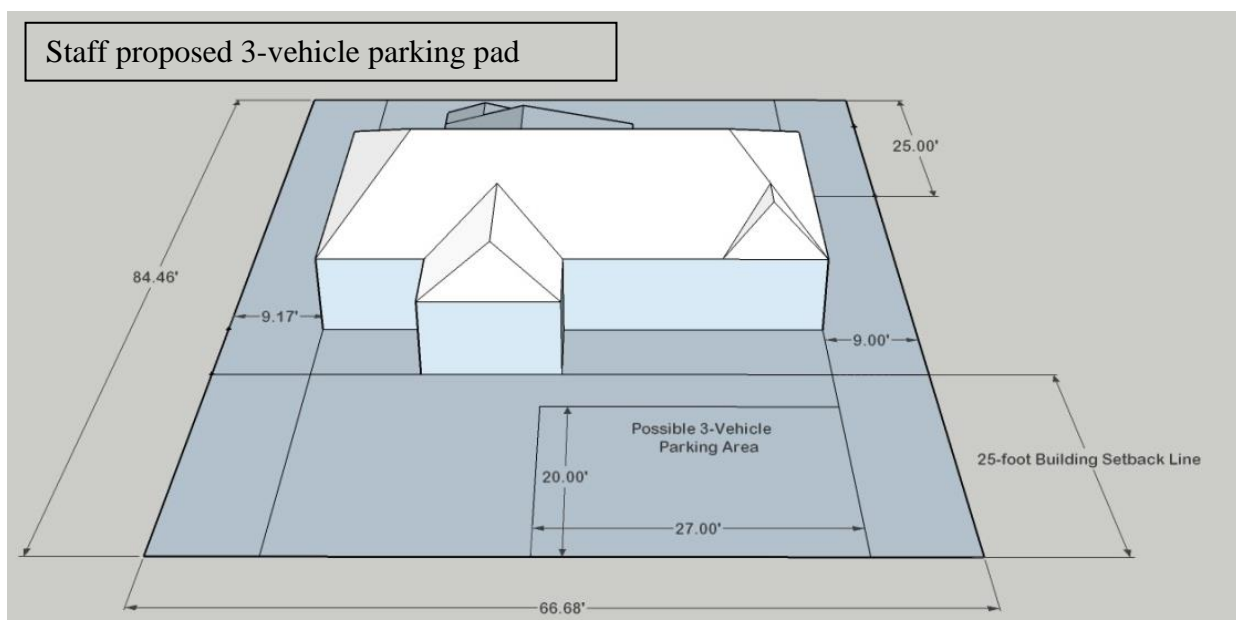
Proposed parking
18' X 20'
Three Parking Spaces

DEVELOPMENT SERVICES
SITE PLAN MASTER SET
SCALE: 1" = 20'-0"
DATE: 6 / 12 / 15

10 days later, the applicant submitted a new site plan showing the off-street parking area to be reduced to a 20' x 20' area, eliminating the 9' x 20' extension and eliminating the space for a third vehicle to park.



The applicant is requesting a variance to reduce the minimum number of off-street parking spaces for this new home from 3 spaces to 2 spaces, stating that providing 3 spaces would take away from the limited lawn space.



The above image illustrates the subject property with a 20' x 27' parking pad, allowing for three parking spaces and complying with the City's Land and Site Development Ordinance.

CURRENT CONDITIONS – STREET VIEW:



looking southwest from S. Hutchins Street at subject property

EXERCEPT FROM THE VARIANCE APPLICATION

Variance Supplement B



CITY OF BRYAN
The Good Life. Every Day.

The following page should be completed for all variance requests EXCEPT setback variances. Please proceed to the last page if this request is for a setback variance.

Please describe the type of variance being requested:

We are requesting variance in parking requirement for New construction home. Current requirement is three 9' x 20' for 3 bedroom home. Variance we are requesting is 20' x 20' parking pad.

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:

Is the variance necessary for the preservation and enjoyment of substantial property rights:

Yes. Size of parking requirement would take away from lawn/yard.

State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:

Wouldn't be a safety, health, or welfare issue. 20' x 20' parking is ample for size home that is being constructed.

State how this variance will not affect the orderly development of the subject property and/or land in the vicinity in accordance with City of Bryan Ordinances:

No other new construction being developed in the area. All existing homes are this way and many do not meet the requirement. No issue have risen from other variance granted for other new construction homes in the area.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from regulations stipulated in the Land and Site Development Ordinance. **No variance shall be granted** unless the Planning and Zoning Commission finds that **all** of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land;

Staff contends there are no special circumstances or conditions affecting the land involved such that the strict application of minimum off-street parking provisions would deprive the reasonable use of this land. Minimum off-street parking requirements are intended to help ensure that all residents living on a property and their guests have adequate parking without having to park on the adjoining street. Street parking may cause congestion on public rights-of-way and can even obstruct emergency vehicles' access in the event of an emergency. Staff believes that allowing flexibility in addressing residential vehicle off-street parking is not appropriate in this particular case. The subject property is rectangular in shape with a minimum area of 5,000 square feet, like thousands of other residential home sites in Bryan. It is true that the subject property is not as deep as many residential home sites, but, as pointed out in the staff report for the lot depth variance that was approved last year, the lot's substandard depth is offset by its extraordinary width, still leaving sufficient room to build a modern single-family home with off-street parking area, in accordance with the requirements of the Land and Site Development Ordinance. This is further supported by the fact that the applicant's first submitted site plan for construction at this location showed the required 3 off-street parking spaces for this new 3-bedroom single-family home.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff contends that it would be entirely possible for the applicant to develop the property in compliance with the standards of the ordinance. Staff believes that the variance is not necessary for the preservation and enjoyment of substantial property rights in this particular case. Even if 3 off-street parking spaces were constructed on the subject property, there would still be more than just a margin of open space around the new 3-bedroom home on this property available for light and air circulation, landscaping and recreational use. If the requested variance were approved there would be a mere gain of 7 feet of additional space in the front yard. Even with the minimum required 3 off-street parking spaces, at least 1,500 square feet of yard behind the new home would be available.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff contends that if the variance were approved and only 2 off-street parking spaces were allowed in conjunction with the construction of a 3-bedroom home in this particular case, that residents and visitors of this new home would have to park on S. Hutchins Street (to avoid parking in the grass in front of the home, which is prohibited). Since S. Hutchins Street in front of this home is currently improved with only a 20-foot wide ribbon of pavement in a 30-foot wide right-of-way, staff believes that this could lead to significant obstructions of traffic on this local street, including emergency vehicle traffic. In its current condition, this local street does not have the capacity to host on-street parking and allow for two-way traffic or emergency vehicles to pass through. Staff therefore believes that granting the variance in this particular case could be detrimental to the public health and safety, not just for the residents of the new home, but also the immediate neighborhood.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff contends that granting this variance, in this particular case, could have an adverse effect on the orderly development on the subject property and possible long-term effects on development of land in the vicinity. Granting this variance request in the absence of special or unique circumstances could therefore cause owners of adjacent properties to seek similar variance requests in the future, which the Commission would then also feel obligated to approve. The long-term, cumulative effect of granting these variances could then not only cause congestion on neighborhood streets, but also new single-family home sites without sufficient off-street parking which residents generally expect and desire.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **denying** this requested variance. Granting this variance could result in inadequate private parking for residents and visitors of the new 3-bedroom home. As a result, it is highly likely that vehicles will be parked in front of the property and therefore may inhibit traffic flow along South Hutchins Street. Additionally allowing this variance could result in future neighboring lots requesting similar variances and causing more on-street parking in this vicinity as the adjacent lots develop. The applicant has shown that the requirement of constructing 3 off-street parking spaces for the proposed 3-bedroom home is entirely possible within the boundaries of the subject property. An alternative to seeking a variance from ordinary standards in this particular case could also be to construct a home with a smaller footprint or a 2-bedroom home which requires only 2 paved off-street parking spaces.